

Montana Transportation Commission

April 13, 2006 meeting

Montana Department of Transportation headquarters building
2701 Prospect Avenue, Helena MT

In attendance:

Bill Kennedy, Transportation Commission Chair
Nancy Espy, Transportation Commission Vice Chair
Kevin Howlett, Transportation Commissioner
Rick Griffith, Transportation Commissioner
Deb Kottel, Transportation Commissioner
Jim Lynch, Director –Montana Department of
Transportation (MDT)

Jim Currie, MDT Deputy Director
Tim Reardon, MDT Chief Counsel
Sandra Straehl, MDT Rail, Transit & Planning
Administrator
Loran Frazier, MDT Chief Engineer
Janice Brown, FHWA Montana Division Administrator

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Chairman Kennedy called the meeting to order at 8:03 am.
After the pledge of allegiance, Commissioner Howlett offered an invocation.

Agenda item 1 Approve minutes from previous meetings

- a. March 1, 2006
- b. March 6, 2006 – telephone meeting

Commissioner Kottel moved to approve the minutes for the March 1 and 6, 2006 meetings; Commissioner Griffith seconded the motion. All five commissioners voted aye.

Announcement: Jim Lynch

Lynch said he would be leaving at 10:15 am for a funeral. => He will cover items 12a and 12b (the educational items) at the next commission meeting.

Agenda item 2: Locally funded construction project on National Highway System JP Road/US 93 (*Signalization – City of Whitefish*)

Straehl said this agenda item requests delegation authority for the city of Whitefish to let a project to construct underground signal components as part of the US 93 JP Road/US 93 *Signalization* project. The funding source is a special improvement district, to be run by the city. Once the signal meets warrants, the city will be allowed to complete the above ground construction of the signal (poles, signal housings and control cabinet). MDT will then activate the signal and assume maintenance responsibility at that time.

The local government has conducted a public involvement process and there is general support for the project.

The estimated construction cost that will be city responsibility is \$200,000 and it will be competitively let to contract.

Under M.C.A. 60-2-111 (“letting of contracts on state and federal aid highways”) any reconstruction or construction project located on a designated highway or a state highway, must be let to contract by the Transportation Commission. This includes those projects on designated or state highways within cities and towns. The commission may delegate this authority to a local government.

Chairman Kennedy asked how the funding for earmarks on county or city roads is transferred to the local government. Straehl said sometimes earmarks can be transferred at the federal level to another federal agency, and we have done that historically on public lands discretionary projects where the money is transferred to a federal land management agency. For the most part, those earmark dollars are administered by the state and so consequently they have to go through our processes. In most cases, the state will administer the process. The earmark is not a grant that goes to the local government.

Commissioner Howlett moved to accept staff recommendations to delegate commission authority to let, award, and administer the contract for this project to the city of Whitefish pending concurrence from MDT’s chief engineer; Commissioner Espy seconded the motion. All five commissioners voted aye.

Agenda item 3: Urban bridge rehabilitation

Scott Street Overpass – Missoula

Straehl said this agenda item requests approval to add the Missoula Scott Street bridge rehabilitation project into the program. The scope of the project includes removing the existing riding surface down to below the top row of steel in the deck, cleaning the steel, and replacing any damaged components, and restoring the wear surface with a high strength epoxy concrete. All the local planning requirements have been met on this project. MDT will administer the project throughout its development, and contract administration.

The total project cost is estimated at \$1.7 million, consisting of \$100,000 for preliminary engineering, \$1.3 million for construction and \$258,000 for construction engineering.

Commissioner Howlett moved to accept staff recommendations to approve the addition of the *Scott Street Overpass* project in Missoula to the program; Commissioner Espy seconded the motion. All five commissioners voted aye.

Agenda item 4: Flathead County CTEP projects on MDT right-of-way

East Evergreen sidewalk – Kalispell

Sam Bibler memorial trail – Kalispell

Straehl said this item requests approval for two CTEP projects that are adjacent to MDT right-of-way. Both projects are located in Kalispell and would use the Flathead County CTEP allocation.

1. East Evergreen Sidewalk – Kalispell

This enhancement project will design and construct approximately 5940 lineal feet of six-foot wide concrete sidewalk. The sidewalk will provide a link between East Evergreen Elementary and Evergreen Junior High School. The sidewalk will run parallel to East Evergreen Drive (U6710) between Helena Flats Road (U6712) and LaSalle Road (P-1). The project begins at the intersection with Helena Flats Road within the public right-of-way and extends east to the intersection with US HWY 2 (P-1). The roads involved are two urban routes, and US 2 which is a state primary route.

The estimated total project costs are \$400,000, which consists of \$15,000 for preliminary engineering, \$370,000 for construction, and \$15,000 for construction engineering.

Including this project, Flathead County will have obligated \$2,830,725 of the \$2,950,260 made available through the CTEP program.

2. *Sam Bibler Memorial Trail – Kalispell*

This enhancement project will design and construct approximately 10,560 lineal feet of eight-foot wide pedestrian/bicycle pathway. The path will run parallel to Willow Glen Drive (U-6734/S-317). The project begins at the intersection of US Highway 93 (N-5) and extends north to the intersection of Conrad Lane. The project will be sited on existing public right-of-way as well as on privately donated easements. The preliminary planning and design engineering will involve determining easement and/or right-of-way needs.

The estimated total project costs are \$200,000, which consists of \$40,000 for preliminary engineering, \$155,000 for construction, and \$5,000 for construction engineering.

When both projects are programmed, Flathead County will have obligated \$3,003,885 of the \$2,950,260 of its CTEP allocation. However, at this time, since we have not received notification of the 2005 set-aside for CTEP, they will slightly overrun their CTEP allocation for FFY 2004. Staff will advance only the East Evergreen project until the 2005 monies are received.

All work will be in accordance with current design standards and ADA requirements.

Commissioner Griffith asked what the anticipated date is for receiving the 2005 CTEP allocation from FHWA. Straehl said next month.

Reardon asked about the second project, which will be sited on existing public right-of-way as well as on privately donated easements. Will the county be doing the deed preparation, the survey, and the determination for the scope of those easements? Straehl said as in all CTEP projects, the development is handled by the local government, with significant oversight by MDT. The lead entity for all CTEP projects is always the local government. The county will be handling the survey and deed preparation.

Chairman Kennedy asked if the privately donated easements would become public domain. Straehl said public access would have to be granted as part of the easement process, because you can't really build an enhancement project that doesn't have public access.

Commissioner Howlett moved to adopt staff recommendations to approve the addition of two CTEP projects in Kalispell to the program, namely *East Evergreen sidewalk* and *Sam Bibler memorial trail*, with the provision that the *Sam Bibler* project will not proceed to programming until FFY 2005 CTEP allocations are disbursed. Commissioner Griffith seconded the motion. All five commissioners voted aye.

Straehl asked to discuss agenda item 6 ahead of item 5 because it would make better sense.

Agenda item 6: Rehabilitation work on Frenchtown Frontage Rd (Secondary 574)

Straehl said this would add the Frenchtown Frontage Road (Secondary 574) into the secondary capital construction program for the Missoula district 2000 secondary roads prioritization list. This is the last project that will enter the 2000 list. This project would replace a previous project that has now been closed. As you recall, in January you took off the Pattee Canyon Drive/Deer Creek Road (Secondary 533) from the Secondary Highway System and replaced it with the Frenchtown Frontage Road. Frenchtown Frontage Road is now coming into the program as a rehabilitation project as part of that 2000 priority list. All the other projects on the 2000 priority list for Missoula County have entered programming. All the counties in the Missoula district were queried whether or not they would give Missoula approval to replace that old project with this one. They did concur.

The project is located north of I-90 from the intersection with US 93 near the DeSmet Interchange (RP 0) to the Huson Interchange (RP 10.96). The project preliminary scope of work will be major rehabilitation of the paved surface for 10.96 miles. The estimated total project cost is \$4.03 million which includes \$400,000 for preliminary engineering,

\$3.3 million for construction, and \$330,000 for construction engineering. The new project will be programmed for preliminary engineering for the Missoula District Secondary Roads Capital Construction Program.

Chairman Kennedy noted that if a county is going to move their priorities, they either set up a meeting or a phone conversation. The way the process worked this time is Missoula County went around and tapped people on the shoulder at convention and tried to get these things taken care of. It kind of caught people flat-footed in a lot of instances and I would hope that the counties would use more discretion when they want to change this and bring everybody to the table and at least discuss what it is, or get it out to people far enough in advance.

Straehl said I apologize; I didn't realize Missoula County had proceeded that way. Straehl said she would pass the information along to the secondary roads engineer.

Chairman Kennedy said it also generated confusion as to whether or not counties could change these priorities anytime they wanted to as long as they got the approval of everyone to do it. We're opening a big kettle of worms. Straehl said in this particular case, only about \$400 had been expended on the project, but had there been a more significant financial investment, she doubted whether the state would support a switch.

Commissioner Howlett shared his observation that there is not a well-organized process by which these counties get together and decide on priorities. He said my sense is that the process may not be clear to all the county commissioners. He encouraged some internal review of the process to see how to better facilitate the participation of the counties on an equal basis. It seems that the larger counties are somewhat dominant because they have the staffs to be able to do that.

Straehl said there is a meeting every year with all the counties during the annual MACO meeting.

Commissioner Howlett said I understand there is a process, but my personal observation is that it has some flaws and doesn't reach people as deeply as it could. It's both process and opportunity. I know that Missoula County has an infrastructure that can accommodate these kinds of things. Granite County and Lake County may not. => I'm not faulting the system, I'm just saying it has some weaknesses and asking that you take a look and come up with some recommendations to ensure the equal participation of all the counties in the district and there is no opportunity for manipulation.

Commissioner Espy said the counties for district 4 do not meet at MACO because we feel we don't have the time and there are too many distractions. We meet for a half a day after our district meeting. In our district, we have had excellent cooperation, and we have looked at corridors, and finishing corridors. That narrows our focus to completing something, rather than doing a little dab here and there. Everybody's there; everybody knows. If they aren't there, it's their own fault.

Chairman Kennedy said the process has probably gotten a bit lax over time, and suggested we formalize the process and do it at the spring MACO meetings. We have an awful lot of new commissioners that don't quite understand the process. They don't understand why there are so many years between projects in their individual counties. => He suggested putting this on the MACO agenda.

Straehl said MDT's secondary roads engineer should be the one to go on the road and do some training and explaining the process. Straehl said the counties set their priorities for the secondary road money. It is probably time to revisit their prioritizations given the turnover at the county level since the prioritizations were set. There are some benefits to the counties they may not be aware of.

Chairman Kennedy suggested there be more discussion between the counties and MDT before they nominate and put priorities in the mix. MDT's input would probably be very valuable.

Currie offered an example of a situation in Richland County. Secondary 201 is seeing a lot of break up because of oil rigs. They are pushing real hard to get funding to rebuild 201. But if you look at their priority list, it's not even their top priority. Commissioner Espy said it's understandable because the development of oil and gas has come since that priority list was developed.

Lynch said these comments are very important. There are a lot of people that don't understand how the system works. If we can facilitate the counties seeing the strategic opportunities that they may have, that would be great. I will get with Sandy before we go through the next cycle. One thing we need to remember is the increased costs in construction. It's coming to a day in Montana and other states when federal and state contribution to road programs won't be the only contributions; certain communities have some creative opportunities to enter into partnerships with the private sector to help build some of these infrastructure improvements, which are really a great benefit to their communities. Maybe it's time we look at that and help the counties come up with some different ideas.

Chairman Kennedy said the smaller counties don't have the public works people that the larger counties have. That's where MDT staff can really help by working with them and giving them some options. I'm a real advocate of leaving the decision to local control, but I'm also an advocate of working with them to guide them to make sure the right decision is the end result. I think this will help us be more efficient with the secondary road funds.

Commissioner Howlett said I'm intrigued by the director's comments about collaboration. Since he raised it, I will make it a matter of record. I don't know the ability to integrate secondary systems with highways or IRR roads, or multiple counties that are involved in a road. It seems to me that there are some roads, particularly in district 1, that cross all of these boundaries...the road may go from a state secondary to a county, to a portion of a tribal road, to another county to hook up on the other end with a state secondary. There doesn't seem to be, or has not been, at least up to this point, any singular or joint ownership of maintenance or improvements to that road. Everybody loses in this situation. I've been approached by the forest service, tribal council, and I've raised with this department the possibility of looking at a secondary road in ways other than in segments by ownership. Commissioner Howlett said he was speaking about the road from Seeley Lake to Arlee. It's a great opportunity for lots of reasons. But there are all these jurisdictional issues that would test our creativity.

Chairman Kennedy said I think we could do better in our collaboration with the counties. We would achieve some of the priorities that MDT is looking for on these roads too. I think we can get there.

Commissioner Espy said that is all of our goal. Going back to Jim Currie's remarks, when the Bell Creek oilfield was developed in Powder River County, 25 years ago or more, the county commissioner and the state allowed Bell Creek to improve the county roads. They did that on their own because it was the only way they could get the oil out. It is a great possibility to have a partnership. We will have to watch jealousy and ownership issues, though. We will run into this when we have cooperative ventures.

Currie said we love public-private collaborations, especially when there are dollars involved. I do need to say one thing: part of our process as I understand it, before we ever sit down with the counties, is to develop criteria upon which the counties can lean on in order to make their decisions. Whether or not we sit down with them and help them one-on-one to reach decisions, which I suspect is a good idea and I think we need to do that. We do develop criteria so they're not out there without a framework to help in reaching effective decisions. In my opinion Commissioner Howlett is correct; the way things are structured right now, it is somewhat segmented or lends itself to that in terms of decision-making. From the maintenance aspect, though, once a road is reconstructed and paved, or even if it isn't reconstructed, and it's paved, the state owns it. Our maintenance system is not fragmented.

Commissioner Griffith said when we go down to Anaconda in August, we will see an example of the fragmentation this whole process brings. We had a road under state care that was given to the county. Why they took it, I'll never know. It was a bad decision on their part. We can't make them make good decisions, but we can help coach them to make better decisions. The turnover at the county level is definitely one of the issues. If you take this one road, one of the worst roads in the state, the traveling public doesn't distinguish between what is state highway and county road, so we get blamed for it anyway. If you take the current funding level proposed for the next seven years, will take 50 years to get the road fixed, it needs so much work.

Chairman Kennedy said for a while after we passed that legislation and starting meeting, there was a "them" and "us". We've seen more of a cooperative philosophy in the last year or so. I agree that we need to look at other revenue sources, rather than saying we can't do it. We need to make sure that our project lists are achievable, which Pattee Canyon probably wasn't.

=> In addition to putting MDT on the agenda, Chairman Kennedy offered MDT a booth at the MACO general annual meeting for MDT's secondary roads engineer to have additional time to work with the counties.

Commissioner Griffith pointed out the county commissioners make the decisions about the secondary roads, yet the Transportation Commission has to take action on it. => He asked to be included in the process when the counties set their priorities so he's on board with what they want to do. That would make me feel better about my input towards the Tentative Construction Program. => Chairman Kennedy said Wayne Noem could probably let the transportation commissioners know when he would be in their district.

Currie said the last time I spoke to county commissioners at MACO about secondary roads, I was surprised as to the number that had no clue as to the history of the program. My thought is that we ought to have a place routinely at the MACO annual meeting that includes a historical overview of the secondary program and how we got to where we are today.

Chairman Kennedy noted that there are counties that part of MACO that don't show up. Lynch said perhaps offering this information would help increase attendance.

=> Chairman Kennedy said he would talk to Yellowstone County Commissioner John Ostlund, who is chairman of the MACO transportation committee and also on the convention planning board.

Straehl said the secondary roads engineer knows those roads extremely well, and would be a great resource for the counties at the MACO annual meeting.

Commissioner Howlett moved to accept staff recommendations to substitute Frenchtown Frontage Road for the Deer Creek project on the **2000 Missoula District Secondary Roads Priority List**; Commissioner Griffith seconded the motion. All five commissioners voted aye.

Agenda item 5: Secondary roads capital construction program (Missoula district)

Straehl said is the 2006 list of priorities for the Missoula district secondary roads capital construction program. There is a total of 40.8 miles on the list, with a total estimated construction cost of \$38.7 million. The list consists mostly of reconstruction projects.

The county commissioners from these nine counties approved the new priority list for the program by a majority vote. Powell County and Sanders County were unavailable when the vote was taken, but they were contacted prior to the voting and did not object.

Straehl said the two projects that can move forward into design involve about five miles of the Eastside Highway in Ravalli County and two miles of Willow Glen/Conrad Drive in

Flathead County. The rest of the projects can move into the program as funds become available.

Chairman Kennedy asked if secondary roads dollars could lapse. Straehl said there is the potential. When you look at the Federal-aid structure, the secondary money comes out of a big pot called the Surface Transportation Program. The STP also funds the urban program, the state primary program, and the enhancement set-aside. The lapse is possible but entirely unlikely.

Commissioner Howlett moved to accept staff recommendations to approve the following projects to the program, noting that priorities 1 and 2 can move forward. The remaining projects will be programmed for preliminary engineering when funding becomes available for the Missoula District Secondary Roads Capital Construction Program. Commissioner Griffith seconded the motion. All five commissioners voted aye.

1. S-203, RP 5.45 – 10.2, **Eastside Highway**, Ravalli County
Reconstruction of paved surface. Estimated total project cost is \$6.375 million.
2. S-317, RP 1.02 – 3.2, **Willow Glen/Conrad Drive**, Flathead County
Reconstruction of paved surface. Estimated total project cost is \$4.02 million.
3. S-263, RP 5.5 – 10.6, **Mullan Road**, Missoula County
Reconstruction of paved surface. Estimated total project cost is \$6.946 million.
4. S-292, RP 0.0 – 3.0, **Whitefish Stage Road**, Flathead County (MDT request)
Reconstruction of paved surface. Estimated total project cost is \$3.956 million.
5. S-472, RP 10.39 – 15.4, **Blue Slide Road**, Sanders County
Reconstruction of paved surface. Estimated total project cost is \$6.555 million.
6. S-211, RP 0.0 – 9.762, **Round Butte Road**, Lake County
Minor rehabilitation of paved surface. Estimated total project cost is \$3.32 million.
7. S-482, RP 3.36 – 7.16, **Farm to Market Road**, Lincoln County
Reconstruction of paved surface. Estimated total project cost \$5.055 million.
8. S-348, RP 7.1 – 14.298, **Rock Creek Road**, Granite County
Major rehabilitation of paved surface. Estimated total project cost \$2.46 million.

Agenda item 7: Informational items from Planning Division

- a. *TranPlan 21* 2005 biennial telephone and stakeholder survey results
- b. Update on local government bonding (House Bill 451)

Straehl introduced Dick Turner for a presentation on the results of MDT's *TranPlan 21* 2005 biennial telephone and stakeholder survey results. Turner is the chief of MDT's multimodal planning bureau.

Turner said we have been doing this survey since 1994. We use it to get a feel for the pulse of public and stakeholder opinion. This is a general public involvement process; we do specific processes for each project. The process used renders the results statistically valid.

There are improvements in the public's perceived need for more facilities (city streets, other major highway, rest areas, ped walkways, interstate highways, bike paths).

The public perceives the most significant changes in bicycle and pedestrian pathways, and other major highways. I attribute that to CTEP and also a change in department's policy: we more routinely include these amenities in our projects.

Stakeholders don't like the passenger rail service and inter-city bus service, but think the Interstate highways are doing well.

Commissioner Griffith asked for an interpretation of the customer service grades given by the environmental stakeholder group. All stakeholders gave MDT the lowest grades for

responsiveness to outside ideas and concerns from customers. MDT received highest grades for keeping customers fully informed of relevant information and upcoming decisions related to the transportation system.

Commissioner Howlett asked how this fit into the timing compared to the activities of the GAIN council.

Turner said the survey was conducted in fall of 2005.

Turner said although it varies, I think we can say that there is an overall increased public satisfaction with MDT's service. The trend is positive. Obviously the results reflect geographic differences, for example, urban areas are more concerned about congestion than rural areas.

We expect to see more positive results in the coming years as programs underway have an effect. For example, the urban highway pavement preservation program should increase public satisfaction with city streets, and increased federal transit funding should increase transit satisfaction levels. To address the low levels of satisfaction with the transit program, we are in the process of reinventing our transit program, and will reflect that in a focused update to *TranPlan 21*.

Commissioner Howlett said it has been over a year since we looked at incorporating sociological and economic impacts into our planning efforts. Where are we on looking at that?

Straehl said we recently hired an economist that looks at the role of transportation in the state's economic activities. The model is called HEAT (Highway Economic Analysis Tool) and it provides detailed data and comprehensive results to help us quantify the potential economic benefits of any proposed transportation improvements. We now have a staff person who is getting the program up and running.

Straehl noted that, according to the P³ analysis tool, our transportation system needs more rehabilitation work, in order to get more miles of work on the system per year. The HEAT tool mostly focuses on reconstruction jobs, because they increase capacity and reduce congestion pressures. It's a balancing act between affordable rehabilitation work, and congestion-releasing reconstruction work.

Straehl will provide more information about HEAT this fall during the development of the Tentative Construction Program (TCP).

Commissioner Howlett said he appreciates the economic analysis and is equally interested in the sociological impacts. We need to be sensitive as we plan highway projects. Lynch said we are using feasibility studies to take broad looks at projects, and evaluate sociological and other impacts. This will answer your concern.

Agenda item 15: Upcoming commission meetings

The next commission meeting will be held May 25 in Helena, starting at 8:30 am.

For the June 28-29 meeting, Chairman Kennedy said he would like the commission and staff to come in to Billings on the 28th. A tour will start at 10/10:30 am, with the following itinerary: view the CTEP project at Pompey's Pillar, stop in Billings to see the Shiloh road corridor, look at a project in Laurel, drive the Beartooth highway, and end up in Red Lodge for the night. The meeting on the 29th will start at 8:30 am.

Communication with local government

Cascade County Commissioner Peggy Beltrone thanked the commission for the opportunity to give a brief presentation from Choteau and Cascade Counties on the International Malting Company project. She referred to the handouts she provided, particularly the aerial view of Highway 87 and the turnoff to the new \$80 million malting facility. She said this

amazing facility is the largest value-added agriculture facility in the state of Montana, and is making a tremendous economic impact on the community. Because of interest from the public, vendors, and employees, there is increased traffic on Highway 87, notably in and out of the malting facility.

Beltrone said a tragic accident in February at that entrance reminded us all that we have scheduled a turning lane that has been approved and appropriated in the highway transportation bill. Because of scheduling, at the earliest, it will be let to contract in spring of 2008. We are here today to present information and letters from Cascade County, city of Great Falls, city of Fort Benton, interested members of the public, and the malt plant, in an appeal to see what can be done to move this turning-lane project up on the schedule.

Beltrone drew their attention to the photo sheet. She described the open highway that motorists experience after leaving Great Falls. Motorists tend to increase in speed; there is very little to let people know that there is an \$80 million facility located there, and that traffic may be turning. The facility is set back from the road quite a ways. You have to look hard to see the malting facility plant sign. Beltrone asked the commission to see what could be done to accelerate the project.

Mark Black, barley manager at the plant, said there are several near misses on an almost daily basis, both with employees, customers and delivery personnel. It is a huge safety concern for us as well as for the public. In a year's time, we generate about 3,500 to 6000 new truck deliveries, either bringing grain in or taking byproducts out, not to mention the other visitors. He appealed to the commission to ramp up the project to alleviate the safety concerns sooner.

Beltrone referred to the front page of the Great Falls Tribune and the story about the turn lane. There is strong community support for moving the project up. She said she understood there were some things they could do in the meantime, and their sheriff, Dave Castle, has offered to go out to the malt plant and do some safety traffic training with the employees to remind them to use their turn signal when going in to the facility, and when exiting onto the highway, to give motorists space and ample time because of the higher speeds in the flow of traffic. We also look to your expertise for any intermediate measures that could be made with signage or things that you folks are expert in. We are concerned that 2008 is way too far in the future to address the danger that's present at that intersection.

Commissioner Kottel offered three suggestions for immediate implementation, while waiting for construction:

- significant increase in signage regarding trucks coming onto the highway, so that there's a warning
- temporary speed reduction zone
- county enforcement of the speed reduction zone.

She noted that articles such as the one in the Tribune helps increase the community awareness of the area.

Frazier responded that we would be happy to send our traffic engineering staff to the area and see what recommendations they would have. Looking at the distance between the turnoff and the city limits of Great Falls, Frazier noted drivers react to what they see in the surrounding environment. => Commissioner Griffith asked if we could have it by the next meeting; Frazier said easily.

Currie said he appreciated Commissioner Kottel's comments. That's a good alternative for calming the traffic before we can get out there and add the turning lane. He offered a reminder that this project has a congressional earmark. Funding for earmarks doesn't show up in a lump sum; we get it in pieces over the life of the bill. When I heard about this, I asked our traffic folks to take a look at the history up there. Although I understand the situation has changed, since 2001 there's really been only two accidents up there. One was an injury, then the recent double fatality.

Commissioner Griffith asked if this was in the Redbook (Tentative Construction Program). Currie said no. Commissioner Griffith asked if it has gone through the MPO. Currie said he would ask Straehl to comment on that, because there were certain things that have to happen at the local level first.

Peggy Beltrone said that meeting is scheduled for April 24.

Straehl said the department agrees this is an issue and the facility approach does need to be addressed. The local government pursued funding to improve this through federal earmark; the first earmark was received in 2005 for a total of \$491,900 (section 117 appropriations earmark) and then the second earmark is actually an appropriations earmark that was identified for 2006. The appropriations earmarks, when they are released, are available but they have all the same requirements as other Federal-aid monies. We anticipate that there will be available a total amount of \$1.8 million, but right now the only money that's been disbursed is the \$491,000. So the 2006 appropriations are not yet available, but you do have enough money to get into preliminary engineering. The Transportation Commission took action on this April 7, 2005 and approved this project into the program. Unfortunately, very shortly thereafter, the local Metropolitan Planning Organization (MPO) was reorganized and all of those federal requirements that are necessary in order to build a project with federal money were put on hold. The whole reorganization of the MPO was only first approved by the Governor with the redesignated MPO in January 2006. So, because of the redesignation, time was lost in moving this project forward. I think all the pieces are being put back together again, and you guys are online to now move this project forward.

Today, April 13, your technical advisory committee at the Great Falls MPO is scheduled to put this project into your transportation improvement program (TIP). That's a necessary federal requirement. The next thing that's necessary is that your policy coordinating committee (PCC) will take action and approve that TIP. That's scheduled to happen on April 24. After those actions are taken, the federal government – FTA and FHWA – will look at those documents for air quality conformity determination. That takes about a month. After that determination is completed and we get the green light, then we can program this project. We cannot program this project right now because all of the local planning processes have not aligned correctly. When all those actions have been taken, and as soon as we have federal approval, we will immediately program this project.

In programming a project, the next step will be an analysis of all the project development activities and a tentative ready date will be established. There will be a public involvement process and a design process. Let's assume we can get this into the program in June of 2006, then we will do a technical review and set a ready date. The ready date could be 2008, but it hasn't been decided yet because the project hasn't officially been programmed yet. We are really anxious to see the Great Falls Metropolitan Planning Organization take those two actions so we can proceed. We can't move forward until then. This is federal funding and these are the rules.

Beltrone asked for an estimate of construction time, given that information. Currie said 2008 is quite expedited. Frazier said it would take at least 10 months to get through all the steps in the project development process to get the plans ready for advertisement.

Chairman Kennedy said you have assurance that, once the local actions have been performed, there would be no hold up at the commission level. The system does take some time to get everything in place, and you're probably looking for some immediate results to tide you over until the project is let to contract. Loran has already initiated a request for staff to look at this, and will hopefully have some recommendations for us at the next meeting on how we can work with the county and get over the distance of time.

Currie said if right-of-way is needed for the project, that would probably add extra time, particularly if we run into a reluctant landowner. Beltrone said we will certainly be your support in the community to do what we can to encourage the speed of the project.

Straehl added to an earlier discussion about private/public partnerships. If we could have some donation of right-of-way, that would help. Mark Black said we have access through there from Montana Power. The land on the east side by that access point belongs to the Montana Power Company and is currently leased to a farmer. Beltrone promised to "grease that wheel".

Chairman Kennedy suggested adding some signage for the malt plant, subject to the recommendation of MDT staff in conjunction with the MPO's public works staff. Once we get this through the MPO, through the commission here, and get it back to staff, we can get it on the fast track.

Frazier emphasized that right-of-way is a wild card, and that could certainly affect the time frame for the project's development. There are four different landowners, and the process can be protracted depending on the landowner's perspective on the appraisal and acquisition negotiations. He didn't want people to walk away with the impression that MDT said the project would be ready in ten months. Beltrone said they understood that.

Choteau County Commissioner Jim O'Hara stood in support of the project. He said two of our residents were involved in that tragic accident a couple of months ago. Back when counties were identified on vehicle license plates, there were an awful lot of 19s (Choteau) and 12s (Hill County) on that road.

Commissioner Griffith asked Reardon if the commission could go out and acquire the land and donate it to the project. Reardon said we wouldn't know the project limits until we have some design work done; we need a project "footprint" first. Then the county can get land donated or work to expedite the property acquisition process.

Commissioner Howlett said there has been a suggestion to do something interim; it seems that there is no way to speed this process up. With a variance, we probably have speeds of up to 80 mph there. With some interim measures, such as a speed limit and some signage, it can be controlled until the process allows it to be fixed on a permanent basis.

Chairman Kennedy said I don't think anyone would be happy with this project if we speed it up but it's not done correctly. We want to make sure the design meets local needs. I do feel that what you brought to us is a safety concern. Probably 90 percent of your problem is the people who drive that road regularly. We did an interchange project in Billings and there was a safety outcry. The gravel trucks never went over 25 mph, but area residents got tickets for speeding. They asked the speed limit to be raised for area residents, but still wanted the trucks to have the reduced speed limit. Education is a huge piece of the puzzle, and having the article on the front page of the paper is part of that. => Staff will work with the counties and report back at the next meeting.

Chairman Kennedy thanked everyone for coming, and for partnering up with us. It's important to have all the partners at the table for this to work.

Agenda item 7 (continued)

Straehl provided an update on House Bill 451 passed by the 59th Legislature. This bill allows local government bonding through the GARVEE mechanism of the Federal-aid program. The GARVEE mechanism allows for Federal-aid to be used for debt service on bonds. There was some opportunity written into state statute to allow local governments to use their Federal-aid allocation through the state's urban program as the revenue stream to repay bond debt service. There are a number of things we will have to bring to you for approval, such as policies, boilerplates and flow charts. The purpose is to borrow ahead and accelerate projects. We are working with the Bond Council for the state to put this package together, and hope to have it in place by July 2006. There are some projects in the program right now that this might help advance, and we may recommend a pilot project before the urban bonding option is broadly adopted. I will provide additional information later this year, probably in July.

Chairman Kennedy asked if the local government, with an urban project, partnering with state on urban dollars and are able to borrow five years ahead on their allocations, but need more, can they bond the whole project? Straehl said it would be either, not both.

Currie said we would not allow a local government to bond 100 percent of their revenue stream. We will probably put some kind of cap on that. Memories are short, and if an entity bonds all their revenue for 10-15 years, that's a long time, and there is likely to be increasing pressure over the years to develop other projects while the debt service is being repaid. The second issue is the uncertainty of Federal-aid for transportation funding.

Straehl said we're looking at bonding potential in the 50 to 70 percent of the urban allocation. That would commit the repayment schedule for a longer period of time. It may still be worth it to an area to be encumbered for several years.

Commissioner Kottel asked if this is truly a bond, or is it similar to a municipal lease? I was wondering if a local community's bond rating impacts their ability to borrow. Also, how does MDT control interest rates and what are the bond costs?

Currie clarified that the primary source for securing the bond would be future Federal-aid funding. However, there is usually a need for a secondary pledge. The local government can pledge local tax authority or pay money to insure the bonds. Both of those will increase the rating. The costs of the bonds come out of the proceeds. On the US 93 projects, for us, for \$130 million in bonds, there was about \$10 million in costs that came out of the proceeds.

Straehl said in the language in the bill was passed, it says "the bonds ... may not be secured by the taxing power of the issuer." So, the only security is the pledge of the future allocation of Federal-aid. Curie said there is a mechanism to ensure that. Straehl said the other thing a local government can pledge is the state fuel tax distribution. Commissioner Kottel asked if the bonds are tax free for the people who purchase them. Straehl said yes.

Chairman Kennedy said one of the problems is the increasing prices of oil and gasoline, steel and concrete. Local communities will have to weigh the cost of the bond compared to inflation and the cost of delaying a project, and other intangible costs. But at least they have another tool available to them.

Currie said one of the things that was important to us in this piece of legislation is that any bonding under this program wouldn't go against the statutory cap. We have statutory authority to bond up to \$150 million. We have utilized \$130 million of that, and still have \$20 million available to us. We're very reluctant to bond because it eats up our future program. The Missoula district is feeling that right now. Because of the inflationary pressure, we are expecting a significant funding shortfall on the US 93 corridor and will be talking to the commission about this. We have three more project to let and probably have money for only one of those.

Currie said bonds have become quite popular across the country, and now there is discussion at the national level regarding the wisdom of this strategy. Idaho has about a \$2 billion program called "Move Idaho" and they have pledged future Federal-aid to pay for that. Oklahoma pays about 40 percent of their Federal-aid program to debt service. New Jersey's entire Federal-aid allocation goes to debt service because they've bonded their future away. I offer a caution that, while bonding enables an entity to get a lot of work done now, they will have a period of 12-15 years when work will slack off while debt is being repaid. Some of the states that followed this strategy are very regretful now that they've done so, because they have no funds available to address current transportation needs. We just need to balance it very carefully.

Agenda item 8: Speed limit studies

- a. MT 37 – north of Eureka
- b. US 2 – Harlem

Frazier reviewed the speed limit studies performed on two Montana highways.

MT 37 – North of Eureka

Lincoln County Commissioners requested a reduction in the 70 mph speed limit on MT 37, beginning approximately one mile west of the intersection with US 93 and continuing east towards Eureka.

The following recommendation was presented to Lincoln County Commissioners for comment. They provided a letter concurring with the proposed 60 mph and 50 mph speed limits.

- A **60 mph speed limit** beginning at station 442+00, project FAP 137 B (600 feet west of the intersection with Airport Road) and continuing east to station 484+00, an approximate distance of 4,200 feet.

- ❑ A **50 mph speed limit** beginning at station 484+00, project FAP 137 B (400 feet west of the intersection with Osloski Road) and continuing east to the intersection with US 93, an approximate distance of 1,400 feet.

US 2 – Harlem

Blaine County Commissioners requested a reduction in the statutory 70 mph speed limit on the segment of US 2 that passes along the south side of Harlem. With the support of Blaine County, we are proposing the following 55 mph speed limit for the community of Harlem.

- ❑ A **55 mph speed limit** beginning at station 237+00, project F 125(9) and continuing east to station 174+00, (100' east of the intersection with Water Plant Road) an approximate distance of 6,300 feet.

Commissioner Howlett said I don't have a problem with the one at Eureka but I do have a problem with the one at Harlem. I've been contacted by people who live at the agency, about a mile east of where this speed study ended. There is a lot of population there. I would like to include the Fort Belknap tribes in this discussion. Why can't we have the speed reduced until we get past the agency where there is a lot of traffic? I would like to have this deferred until we have additional information or at least consultation with the tribe.

Commissioner Kottel asked about the lengths of the study. Frazier said we responded to a request from the Blaine County Commission for the community of Harlem. I have no problem extending the limits of the study or doing a separate study. Commissioner Howlett said speed is a major component of safety, and 70 mph past 300 homes is a pretty fast pace. Commissioner Kottel suggested that Commissioner Howlett's request be addressed as a separate request.

=> Commissioner Howlett asked MDT to contact the Fort Belknap tribes and ask them if they would like to have a speed study done for the area adjacent to the agency.

Currie reviewed MDT's process, which is typically has its genesis in a request from the local government, which can be a city, tribal, or county government.

Commissioner Howlett moved to accept staff recommendations to approve the special speed zones as requested, and asked staff to contact the Fort Belknap tribal officials to see if they would like a speed study performed for US 2 in the vicinity of the agency; Commissioner Kottel seconded the motion. All five commissioners voted aye.

Agenda item 9: Letting lists

Frazier said the lettings lists are somewhat fluid this time of year as we try and balance projects with the amount of federal dollars available. Given the financial information we were given yesterday, we have had to move the *Bowman's Corner* project out.

Currie said last fall when we did the TCP, the engineering division made sure the estimates were as up to date as possible. As you recall, that ended up being a somewhat painful exercise because the projects we were loading in there had estimates way too low. We set that based on what we thought costs were going to be, as well as the amount we expected to receive in Federal-aid through SAFETEA-Lu. We had the apportionment figures at that time, but we didn't yet have the obligation authority figures. We estimated our obligation authority based on historical information. However, we received significantly less obligation authority than what we have historically received. Our TCP for this year and for the next few years, assuming Congress continues to fund the bill at the level they are, has been overstated because we were anticipating a higher level of obligation authority.

The other thing is the bids we're getting on our projects are inflated to reflect the recent increases in concrete, fuel, and steel. The result of that is, in addition to the shortage of funding we ran into, our projects are coming in 15 to 20 percent over the engineers' estimate, which is the number that's plugged into the Redbook (TCP). The net effect of all that is the money is not going to go as far as we thought it would when we set the TCP. For example, the March letting was \$3 million over what the engineers' estimate was. That was

\$3 million we have to adjust for down the road. We also had a one percent rescission of funding through the Department of Defense bill. We are facing a shortfall of about \$31 million for the remainder of this federal fiscal year, compared to what you saw before. In order to live within our budget, we are having to move projects out.

Bowman's Corner is still in this letting list but will have to move otherwise we will overrun by about \$9 million. If we let it this year, we will have to use advance construction (AC). However, we do not have the cash in the state special revenue fund to support advance construction (we have to pay contractors up front). One possibility is to move it to September. It probably wouldn't be awarded and the contractor given notice to proceed until October or November, and it's unlikely that much work would be done until the following year.

Frazier noted we are having a problem with getting the 404 permit on *Bowman's Corner*. Delaying the project will give staff additional time to work this out with the Corps of Engineers.

Frazier said the lettings for the rest of the year are fairly light: about \$19 million in April; if we take *Bowman's Corner* out, about \$6 million in May; about \$11 in June; approximately \$9 million in July; and about \$5 million in August. In September, some of the bonded projects will slip unless legal is able to work miracles with right-of-way. I suspect *Evaro to McClure* will have to be delayed until we can get the right-of-way cleared and find a funding solution. Currie said we have enough money to let one of those bonded projects but not both.

Commissioner Griffith asked how many other projects were pushed out. Currie said there are 16 projects in addition to *Bowman's Corner*, worth about \$43 million (\$32 million in Federal-aid) that have been moved into next federal fiscal year. We will probably let those projects in November and December.

=> Chairman Kennedy asked to see those at the next meeting, so the commission would know which projects are at stake.

Commissioner Griffith asked what projects we would have to move next year to accommodate this. Currie predicted a domino effect this fall when we set the TCP.

Currie said we are working with the delegation in Washington to get our funding made whole and at least get us up to our historical levels. This pertains to our earmarks as well.

Straehl added that AASHTO is already working on the next reauthorization. This is not just a Montana issue. The highway construction program is competing internationally for steel, cement and fuel. Every region in the country is experiencing this.

Commissioner Griffith moved to accept staff recommendations to approve the lettings lists presented for April, May, June, July, August, and September 2006; Commissioner Espy seconded the motion. All five commissioners voted aye.

11:30 am Delegation – US 93 and Church, Kalispell

Ron and Brenda Proffit distributed a handout outlining several safety issues on US 93 in the Kalispell area. They identified themselves as residents of Kalispell since the 1960s, and expressed appreciation to the commission for hearing them today.

Pointing to a map of US 93 between Kalispell and Whitefish, Brenda noted the four-lane transitions to two lanes about two miles north of the Kalispell city limits, denoted in a gray circle on the map. That portion of US 93 is scheduled to be improved; originally it was with one project, now that has been split into two projects.

She also noted safety concerns in the area near the new high school outside of Kalispell on W Reserve Drive, which is near a major retail area. She said they were interested in getting as much expansion as soon as possible to improve safety. Getting off Reserve, which is the major east-west connection, is getting to be a nightmare.

Plus, Kalispell is looking to annex clear up to Church Drive. Ron said there's a riverfront project – 3800 acres – that's probably going to be approved by this fall. There would be another 600 lots on the Stillwater proposed by the Aspen Enterprise Group out of Colorado. They bought 800 acres of property on the west side of the high school.

Brenda noted that the Majestic Valley Arena has had over a million visitors since it opened five years ago. They are located on a two-lane section of US 93. The ingress and egress for large events there can be a nightmare. The Profitts noted the private arena is used for equestrian events, monster truck events, graduations, boxing matches, etc. It is a main civic area that serves the valley.

Commissioner Howlett said it looks like those developers are going to have to set aside some money for all those roads! Brenda said there obviously need to be more roads in the county. West Reserve is important because there is so much development but also because it takes you to Highway 2. Development is coming; the valley has been discovered. We can't change that but it would be nice to have the infrastructure in place so you can at least get around.

Currie said there are two projects in that location. We split the project because of funding and right-of-way issues. The north part of Church Drive is in the July letting. Adding the interchange at this date would delay this project. The second phase is expected in about two years. One thing we could look at is splitting the interchange portion off into a third job, although staff has not explored this fully yet.

=> Chairman Kennedy asked for a report back. Currie said it would probably not be next meeting.

Commissioner Kottel asked if there is a disconnect between the communities in terms of planning. Why do they approve subdivisions before the infrastructure is in place?

Chairman Kennedy said part of it is a lack of understanding of the process, which can lead to a lack of involvement.

Commissioner Kottel asked about the MPO requirement for a population of 50,000. It is a federal requirement. She asked if there would be room for state legislation that would have something parallel to an MPO for the smaller communities so that there is coordinated activity and that coordinated activity is required? Currie said there already is.

Straehl said there is a contract that's just been let in Kalispell with Peccia & Associates to do a transportation plan update. The department supports communities: every community has the opportunity to come to us and ask for resources to do a local transportation plan. We have funding to provide support for transportation plans in communities of any size, but we specifically have agreements in place with local government officials for 5,000 and greater. Even if you're not an MPO, you have access to support to do transportation plans. The one for Kalispell is taking off. The last time they did a transportation plan, was at the same time they were doing the environmental impact statement for both the bypass and the US 93 corridor between Whitefish and Kalispell. So this is really for the next generation after these improvements. There have been some communities in Montana that have been very proactive in trying to get funding from developers to help pay for the underlying infrastructure that the developments will be affecting. It's a very important proactive step that a local government has to take, even if it's not always popular. Funding can be used for general infrastructure, schools, police, and fire.

Chairman Kennedy noted the Gallatin County Commission recently denied a 200-house subdivision because the developer would not help improve the road.

Frazier spoke to Commissioner Kottel's question about smaller communities without a formal MPO. An MPO usually has two basic committees, a technical advisory commission (TAC) and a policy setting committee, such as Missoula, Great Falls and Billings. For some smaller communities, there is a combined transportation advisory committee (TAC), which is made up of a member of the Department of Transportation, the city, and the local

government. Kalispell has one of these TACs and they have dealt with a lot of those issues. In answer to some of the things going on in western Montana, Kalispell is growing, the Bitterroot Valley is growing, faster than we are able to obtain federal dollars to improve the infrastructure. We have one county that would approve any subdivision request, and then turn to MDT and present it as being our problem. That is not Flathead County. There has to be coordination between us, the local government and the developer. There needs to be development of parallel county roads to help spread the traffic out.

Chairman Kennedy said we also need more coordination on requests for earmarks. If a county moves forward without coordinating with MDT, they may not get enough money to finish the project, such as the one that's been languishing for the last eight years in Billings. Commissioner Espy agreed.

Commissioner Howlett said whether we split this out into three projects, or whatever, what's in front of me is what we've already determined to be priorities... what we've already went through in the analysis of safety, we've already looked at crash data, and your recommendation to us each year in the fall for meeting the highest priorities. Now we are looking at having to pare things back because of inflationary costs in steel, concrete, labor, etc. I think we need to be really honest with ourselves in terms of those projects that have been determined to be a priority. Long before I was here on the commission, priorities were established that I accepted. The fact that people present to the commission is well; we get their personal perspectives, and we take the time to listen to that. But I don't think anyone ought to be misled that these projects can be turned around because they are presented to the commission, and that, as was the case this morning, it wasn't turned around, but we put the state on a fast track. But someone said it was a 2008 date, and the reality is there was no date on the project. And so, I want to make sure that as we deliberate that we not lose focus of things that have been in the pipeline for six or seven years and are now coming to fruition. I believe we should stay focused on those priority things that cannot be moved back without jeopardizing the public safety. I would like to be able to say we'll figure out a creative way to do these things, but the reality is, where does it fit in the priorities that were established years ago?

Commissioner Kottel said in order for us to live in a civil society, it takes unbelievable civic involvement. I publicly commend the Proffits for the work they've done, and for their taking the time to come down here and spend a day with us, and for looking at these issues in a very logical, rational way, and for putting this in front of us. She thanked the Profitts for their level of civic involvement.

Commissioner Griffith asked the Proffits if there was a coordination problem in the area that required them to be here. In other words, why aren't we seeing the units of local government here making this presentation for you? Brenda said I'm not sure; I think everything is happening so fast, it's hard to be really focused. There was a tri-city planning committee at one point, but that got broken down. Now each entity has its own planning office. Maybe that's part of it. Commissioner Griffith said I understand the frustration. Chairman Kennedy asked it if was tougher to work with split planning offices. Brenda didn't know, but did note it can be challenging to come to agreement when there are more people in the room.

Commissioner Espy echoed Commissioner Kottel's sentiments. Chairman Kennedy thanked the Profitts and for getting the issue on the docket.

Straehl encouraged the Profitts to get involved in the transportation plan update in their area.

Agenda item 10: Certificates of completion for February 2006

Commissioner Kottel moved to accept the certificates of completion for February 2006; Commissioner Griffith seconded the motion. All five commissioners voted aye.

Agenda item 11: Project change orders

- a. January 2006 = \$68,704.15
- b. February 2006 = \$14,510.09

Frazier noted the revised change order amount is \$98,098.20. The contractor has found a way to produce materials that meet specifications and is no longer eligible for a price deduction.

Commissioner Howlett asked about the bridge in Arlee. A lot of local people are asking about when that project will be completed. Frazier noted there are timing restrictions on working in the water because of the fish and the endangered species act. The other issue is steel on Federal-aid projects must be made on the USA. The origin of the steel that was delivered could not be identified. There was a seven-month delay while the steel was reordered.

Commissioner Griffith asked about the safety improvements on Old US 3, on page 17. There was a \$37,301.04 change order for asphalt cement. Frazier said the oil was not performing and did not pass test results. We changed to a higher grade of asphalt.

Commissioner Griffith moved to accept staff recommendations to approve the change orders for January and February 2006 as presented; Commissioner Espy seconded the motion. All five commissioners voted aye.

Agenda item 12: Educational presentation

Secondary Roads

Currie referred to the highway system map. The secondary roads are represented in green. The secondary system is classified to a large degree according to the use on it (number of vehicles).

History

Starting with ISTEA, in the early 1990s, the Federal-aid program no longer recognized the secondary or urban systems. The state of Montana then created those through state statute. The funding allocation for the secondary system is also in state statute by formula. The system in the early 90s worked similarly to the urban system. Each county got an allocation for their secondary system. Depending on how they fell in that formula, some counties got quite a bit of money, some counties got a very small amount. What the counties would do is save their allocation up until they had enough money to let a project. In order to help them with that, the commission had a policy that allowed them to borrow ahead for five years. The problem with that mechanism was that some of the smaller counties never got projects, whereas some of the bigger counties were able to move projects. There wasn't an equal allocation or usage of money around the state. The other problem was this saving action conflicted with our requirement to spend all our federal money every year.

The third problem we had was the counties were responsible for all maintenance on the secondary system. When we did let a project with a local government on the secondary system, by federal rule we had to require the counties to sign a maintenance agreement. A lot of local governments did not have the money to do preventative maintenance on those systems to ensure we got the necessary life out of the project.

In 1998, we invited the Montana Association of Counties (MACo) and the League of Cities and Towns to talk about a new way of doing business. The League declined the request, but MACo did come to the table. We reached an agreement that is still in place today.

Once we had the agreement, we took it to the legislature and it was put into law. Senator Swysgood out of Dillon carried the bill. MACo supported the bill and it went through virtually unopposed.

Process

The funding allocation doesn't go to individual counties. The equivalent goes to the financial district. The priorities are set in the financial district by a team consisting of a

county commissioner from every county in that financial district, MDT's secondary roads engineer, and MDT's district administrator.

We get together with each selection team every year and work with them to come up with a list of criteria which they use in establishing their priorities. Another important element of this legislation was that MDT would assume maintenance responsibility for all paved secondary roads. The definition of "paved" is plant mix put down with a paving machine; it precludes double shots. At that time, MDT picked up maintenance on a vast majority of the secondary system. That costs us about \$15 million per year to do that. Local governments were relieved of that cost and maintenance responsibility. We could also ensure that the preventative maintenance of the system was put in place.

Maintenance includes winter maintenance, plowing, mowing, sign cleaning and replacement.

Every year as secondary highways are reconstructed or become paved, we go to the legislature to ask for the necessary resources to assume maintenance responsibility for those.

We saw this as a win-win for MDT and local governments. One, we can more effectively manage the Federal-aid authority. Two, all the counties, somewhere in time, get a project. They have to wait their turn, but they all get a project. Three, a portion of the secondary funds goes to MDT to finance preventative maintenance on the system. This was a very important element for us, because by the time you do reactive maintenance you've already lost your road. Now we have an active preventative maintenance program on the secondary system and a mechanism for maintaining those improvements.

Chairman Kennedy said the department has discretionary power up to \$200,000 in the district for maintenance. Anything over \$200,000 has to go back to the whole group and they vote on it. It's worked very well.

System changes

Currie said we get local governments asking for roads to come onto and off the secondary system. In the past, if a local government has asked for miles to be added to the secondary system, the commission has asked the local government to remove an equivalent number of miles from the system. I recall two notable exceptions, Pryor Road in Billings and Milk Creek Road in Anaconda. There were different reasons for both of those as to why the commission did that.

Discussion

Chairman Kennedy asked about Shiloh Road; it is an urban route, is it also a secondary? Straehl clarified that when the road moves outside the urban boundary, if it provides a connecting link, it would be on the secondary system. Chairman Kennedy said the question keeps coming up, if MDT and the Transportation Commission makes decisions about the speed limit, the ingress/egress, etc., is the city going to maintain it? Is the county going to maintain it? The city raised the idea that we need to own the land underneath. Nearly all county roads are on easements. If we go to that extent, and we make all the decisions on a road, shouldn't we be maintaining that road too? The question keeps coming up.

Currie said it's my understanding that the road is owned by the state. The question is, do we have the ability to turn that land over to the city of Billings. The answer to that right now is no. In our legislative package for the next session, we have a bill that would allow us to quit-claim that property, so we're working on a solution.

Chairman Kennedy said why would we do that if make all the decisions on the road?

Reardon said as part of the transfer, the local government would be required to maintain the road to the state standards. There will be reversion contingencies if the local government doesn't meet those standards.

Chairman Kennedy asked if all the decision-making will revert to the local government. Reardon said it comes down to eligibility for Federal-aid. With this proposed legislation, the devil is still in the details.

Straehl referred to the environmental assessment currently underway for Shiloh Road. That is a federal process with federal money. That federal process includes design details that are fairly explicit once you get into the record of decision. Complying with the decision document is important for ensuring future Federal-aid eligibility. Last year, the commission set aside money for urban preservation funding. In the management of the whole Shiloh Road corridor, if it's not consistent with the decisions that are made in the federal EA process, it's going to be very difficult for urban preservation monies to be expended on that road in the long term. So, it's in everyone's best interests to ensure the investment is consistent with the decision document.

Commissioner Espy said under the secondary roads program, the county also assumes maintenance of the right-of-way. Apparently we are supposed to send a review report once a month to DEQ regarding storm water runoff. We are concerned about fulfilling our responsibilities, and would like to know there is a list of all the maintenance requirements. => Frazier will ask Jean Riley, MDT's environmental services bureau chief, to contact the county road supervisor and provide information.

Agenda item 13: Commission discussion

Culvert collapse in district 5

Frazier said we need a formal action authorizing design and letting of this project. We can tell you why we think the pipe failed and what we are proposing to do to fix it. He referred to a graphic showing the existing pipe (arch style) compared to the proposed pipe (round). The area received four inches of rain, and saturated soils pushed in on the pipe, and it buckled.

This particular design was used in the 60s to early 70s. We've had three failures recently. This culvert collapsed without there being any warning signs.

Frazier dispelled the rumor that a bump from a vehicle driving through the pipe caused the failure.

Currie said we have applied for ER funding but are not sure if it's eligible or not.

Brown clarified that the needs for emergency relief at a national level far outweigh the available funds. In fact, we still have not reimbursed Montana for the Beartooth repairs. The emergency relief program is for widespread damage, which this doesn't fall under. It would fall under "catastrophic failure" which needs to be from an external cause. There is also a dollar threshold involved. We are making an eligibility determination but it's a moot point because there isn't money available. We've advised the department that this is eligible for normal Federal-aid.

Currie said this will come out of the normal allocation and will cause a shortage somewhere else. We're anticipating the repairs will cost between \$850,000 and \$1 million. We are in the process of inventorying how many of these style culverts are out there. We are also investigating what type of retrofits we can do to shore those up.

Commissioner Griffith asked about the expected life of culverts. Frazier said we aim for 75 years. Currie said it depends on the soil. Eastern Montana has hot soil.

Straehl said the commission authorized an investigation of culverts in the Glendive district at their March 1, 2006 meeting.

Currie said the commission has set aside \$10 million starting in fiscal year 08 to deal with the steel bridge issue on the interstate. These aren't bridges, but I may recommend some of that money may need to be used on culvert repair and replacement. Commissioner Kottel suggested the commission take another look at the \$10 million in terms of our strategic plan and vision. Given the increase in project costs, we may need to readjust.

Currie said bracing, if it's an option, may impact the usage by farmers.

Brown recognized the work of the department to get the interstate open as quickly as possible.

Commissioner Griffith moved to give MDT the authority to put together design plans for a culvert repair project underneath Interstate 94 about five miles west of Hysham near Box Elder Creek, to advertise the project using whatever timeframes the department deems necessary and appropriate, and to prepurchase material for the repairs; Commissioner Espy seconded the motion. All five commissioners voted aye.

There will be an expedited award following a three to four day advertisement period. A conference call will be scheduled to take action on the bids, to allow for discussion.

Agenda item 14: Public comment

None presented.

Miscellaneous

Straehl distributed the 2006 state highway maps.

The meeting adjourned at 1:02 pm.

Bill Chairman Kennedy, Chairman
Montana Transportation Commission

Jim Lynch, Director
Montana Department of Transportation

Lorelle Demont, Secretary
Montana Transportation Commission